

**IN GENERAL SESSIONS COURT OF TENNESSEE
FOR THE COUNTY OF SHELBY AT MEMPHIS**

MICHAEL A. BRADY

Plaintiff,

V.

CASE NO. 1644087

**HUMANA INSURANCE COMPANY AND
BLUE CROSS BLUE SHIELD
HEALTHCARE PLAN OF
GEORGIA, INC**

Defendant.

NOTICE OF REMOVAL TO SHELBY COUNTY CIRCUIT COURT CLERK

Comes now Blue Cross Blue Shield Healthcare Plan of Georgia, Inc., by and through counsel, and herby gives notice that the above-referenced matter has been removed to the United States District Court for the Western District of Tennessee at Memphis. A copy of the Notice of Removal is attached as Exhibit 1.

Submitted this the 26th day of March, 2014.

EXHIBIT B

Respectfully submitted,

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

BY: 

JAMES P. CATALANO
BPRN 18585
150 Fourth Avenue, North
Suite 1100
Nashville, TN 37219
(615) 664-5303

*Attorneys for Defendant Blue Cross Blue
Shield Healthcare Plan of Georgia, Inc.*

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon all counsel of record for the parties at interest in this cause by U.S. Mail, postage prepaid to:

Ivan D. Harris, Jr.
352 Poplar View Lane East
Collierville, Tennessee 38017

Errol J. King, Jr.
Baker Donelson
Chase North Tower
450 Laurel Street
20th Floor
Baton Rouge, LA 70801

This the 26th day of March, 2014.



JAMES P. CATALANO

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DISTRICT**

MICHAEL A. BRADY

Plaintiff,

v.

**HUMANA INSURANCE COMPANY AND
BLUE CROSS BLUE SHIELD
HEALTHCARE PLAN OF
GEORGIA, INC.**

Defendant.

CASE NO.

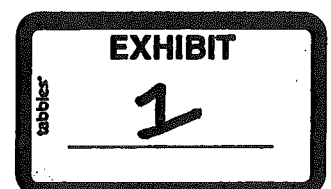
NOTICE OF REMOVAL

Comes Now Defendant Blue Cross Blue Shield Healthcare Plan of Georgia, Inc. (hereinafter "BCBSHP"), by and through counsel, and gives notice of its removal of this case to this Court. In further support of its Notice of Removal, Defendant asserts as follows:

1. On February 14, 2014, Plaintiff filed a Civil Warrant in the General Sessions Court, Shelby County, Docket No. 1644087, against the above-named Defendant.

Pursuant to 28 U.S.C. §§ 1441-1451, Defendant BCBSHP hereby files this Notice of Removal, showing this Honorable Court as follows:

2. An action has been commenced against Defendant in the General Sessions Court of Shelby County, Tennessee, styled *Michael A. Brady v. Humana insurance Company and Blue Cross Blue Shield Healthcare Plan of Georgia, Inc.*; Civil Action No. 1644087. A true and correct copy of all process, pleadings, and orders on file with the Clerk of the General Sessions Court of Shelby County, specifically including copies of the Civil Warrant and Summons, is



attached hereto as **Exhibit A**. There were no motions pending in this matter in the General Sessions Court of Shelby County at the time of removal.

3. The Summons and Complaint have been served upon BCBSHP on February 24, 2014. This Notice therefore is timely under 28 U.S.C. § 1446(b).

4. Co-defendant Humana Insurance Company consents to removal.

5. The Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1331 because it is a civil action founded upon a claim or right arising under the laws of the United States. Specifically, Plaintiff's claims relate to an employee welfare benefit plan that is subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001, et seq. This action therefore may be removed to this Court pursuant to 28 U.S.C. § 1441(b).

6. A Notice of Filing Notice of Removal, together with a copy of this Notice of Removal, will be filed on this same date with the Clerk of the General Sessions Court of Shelby County, Tennessee, and served on counsel for Plaintiff. A true and correct copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit B**.

WHEREFORE, Defendant hereby petitions to remove this case from the General Sessions Court of Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee at Memphis.

Respectfully submitted, this 26th day of March, 2014.

Respectfully submitted,

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

BY: s/James P. Catalano
JAMES P. CATALANO
BPRN 18585
150 Fourth Avenue, North
Suite 1100
Nashville, TN 37219
(615) 664-5303

*Attorneys for Defendant Blue Cross Blue
Shield Healthcare Plan of Georgia, Inc.*

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon all counsel of record for the parties at interest in this cause by electronic notification through the Court's CM/ECF System and/or U.S. Mail, postage prepaid to:

Ivan D. Harris, Jr.
352 Poplar View Lane East
Collierville, Tennessee 38017

Errol J. King, Jr.
Baker Donelson
Chase North Tower
450 Laurel Street
20th Floor
Baton Rouge, LA 70801

This the 26th day of March, 2014.

s/James P. Catalano
JAMES P. CATALANO



State of Tennessee

Department of State

Division of Business Services

Wm. R. Snodgrass Tower

312 Rosa L. Parks Avenue, 6th Floor

Nashville, Tennessee 37243

Received

MAR 04 2014

BCBSGA Legal

2/24/2014

Date

70131090000053835362

Certified Number

File No: 1644087 PLURIES

Company: **BLUE CROSS/BLUE SHIELD HEALTHCARE PLAN OF GEORGIA, INC.**

Name:

Agent/POE:

Address: 3350 PEACHTREE RD., N.E.
ATLANTA, GA 30326

Country:

RE: MICHAEL A. BRADY

VS: BLUE CROSS/BLUE SHIELD HEALTHCARE PLAN OF GEORGIA, INC.

Notice of Service

The enclosed summons and attachments are hereby officially served upon you by the Office of the Tennessee Secretary of State pursuant to Tennessee Law. Please refer to the summons and attachments for details concerning the lawsuit filed against you. If you have any questions, please contact the clerk of the court which issued the summons. You can obtain the court's telephone number by calling information (area code) 555-1212. The name of the court and county where the court is located will be on the attached summons.

The summons will either tell you a court date and time at which you must appear to defend yourself or tell you the number of days from the day you are served within which you must file an answer upon the plaintiff's attorney. Failure to appear in court at the time specified or failure to answer the summons within the given time could result in a judgement by default being rendered against you for relief sought in the lawsuit.

The Secretary of State's Office cannot give you legal advice. If you need legal advice, please consult a private attorney.

Sincerely,

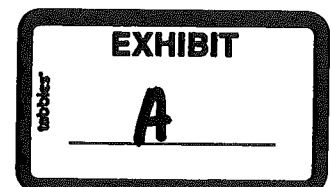
A handwritten signature in black ink that reads "Tre Hargett".

Tre Hargett
Secretary of State

enclosures

Initial: AH

CC:



Court Of General Sessions State of Tennessee, County of Shelby

2014 FEB 14 AM 10:26

PLURIES CIVIL WARRANT NO. 1644087

SERVE THROUGH SECRETARY OF STATE

To Any Lawful Officer to Execute and Return:

Summon to appear before the Court of General Sessions of Shelby County, Tennessee, Room 106
Shelby County Courthouse, 140 Adams Ave., Memphis, Tennessee

BLUE CROSS/BLUE SHIELD HEALTHCARE PLAN OF GEORGIA, INC

Member ID#CKL331A16298-3 Group #CCEC0LA201

Insured: Timothy Cummings

1950 Squirrel Cv., Millington, TN

Defendant

Defendant

Defendant

3350 Peachtree Rd., N.E.

Atlanta, GA 30326

Address

Address

Address

on DAY Friday DATE March 28 2014 TIME 10:00 A.M. / P.M.

to answer in a civil action brought by the Plaintiff (s) Michael A. Brady,

for breach of contract and bad faith failure to pay claim pursuant to T.C.A. 56-7-105, Attorney fee and costs

Issued this _____ day of _____ 20____
under \$25,000.00 Dollars

FEB 1 2014

EDWARD L. STONTON, JR., Clerk of General Sessions Court *

By _____
Deputy Clerk

Atty. For Plft. Ivan D Harris, Jr.

Address 352 Poplar View Lane East

Phone 901-853-5055

Code No. H3-4390

B.P.R. No. 12654

JUDGMENT

Judgment for _____

of suit and litigation taxes, for which Execution may issue.

This _____ day _____ 20____

Judge of Division _____

SERVICE

Came to hand same day issued and executed as
commanded on _____

Came to hand same day issued and executed as
commanded on _____

This _____ day of _____ 20____

Sheriff/Process Server

This _____ day of _____ 20____

Sheriff/Process Server

****AND NOTICE TO DEFENDANT(S)****

Came to hand same day issued and executed as
commanded on _____

Came to hand same day issued and executed as
commanded on _____

This _____ day of _____ 20 _____
Sheriff/Process Server

This _____ day of _____ 20 _____
Sheriff/Process Server

NOTICE

TO THE DEFENDANT (S):

Pursuant to Tennessee code annotated 26-2-114, you are hereby given the following notice:
Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed, these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

AFFIDAVIT

To the best of my information and belief, after investigation of Defendant's employment, I hereby make affidavit that the Defendant is / is not a member of a military service.

Attorney for Plaintiff or Plaintiff

Notary Public

My Commission Expires: _____

COTZ

**Court Of General Sessions
State of Tennessee, County of Shelby**

ALIAS CIVIL WARRANT NO. 1644087

SERVE THROUGH COMMISSIONER OF INSURANCE

To Any Lawful Officer to Execute and Return:

Summon to appear before the Court of General Sessions of Shelby County, Tennessee, Room 106
Shelby County Courthouse, 140 Adams Ave., Memphis, Tennessee

BLUE CROSS/BLUE SHIELD OF GEORGIA *Health Care Plan of Georgia Inc.*

Member ID#CKL331A16298-3 Group #COEC0LA201

Insured: Timothy Cummings

1950 Squirrel Cv., Millington, TN

Defendant

Defendant

Defendant

3350 Peachtree Rd., N.E.

Atlanta, GA 30326

Address

Address

Address

on DAY Wed DATE 1-22 2014 TIME 10:00 (A.M. / P.M.)

to answer in a civil action brought by the Plaintiff (s) Michael A. Brady,

for breach of contract and bad faith failure to pay claim pursuant to T.C.A. 56-7-105, Attorney fee and costs

Issued this 10 under \$25,000.00 Dollars day of Dec 2013

EDWARD L. STONTON, JR., Clerk of General Sessions Court

By

[Signature]
Deputy Clerk

Atty. For Plft. Ivan D Harris, Jr.

Address 352 Poplar View Lane East

Phone 901-853-5055

Code No. H3-4390

B.P.R. No. 12654

JUDGMENT

Judgment for

and Cost

of suit and litigation taxes, for which Execution may issue.

This day 20

Judge of Division

SERVICE

Came to hand same day issued and executed as commanded on

Came to hand same day issued and executed as commanded on

This day of 20

Sheriff/Process Server

This day of 20

Sheriff/Process Server

Court Of General Sessions State of Tennessee, County of Shelby

CIVIL WARRANT NO. _____

SERVE THROUGH COMMISSIONER OF INSURANCE

To Any Lawful Officer to Execute and Return:

Summon to appear before the Court of General Sessions of Shelby County, Tennessee, Room 106
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HUMANA INSURANCE CO.**BLUE CROSS/BLUE SHIELD**

Member ID#700486991 Policy#84956U

Member ID#CKL331A16298-3 Group #CCEC0LA201

Insured: Michael A Brady-Group#706043

Insured: Timothy Cummings

1950 Squirrel Cv, Millington, TN

Defendant

Defendant

Defendant

500 W. Main St.

3350 Peachtree Rd., N.E.

Louisville, KY 38053

Atlanta, GA 30326

Address

Address

Address

on DAY _____ DATE _____ 20 _____ TIME _____ A.M. / P.M.

to answer in a civil action brought by the Plaintiff (s) Michael A. Brady,

for breach of contract and bad faith failure to pay claim pursuant to T.C.A. 56-7-105, Attorney fee and
costs

under \$25,000.00 Dollars
Issued this _____ day of _____ 20 _____

EDWARD L. STONTON, JR., Clerk of General Sessions Court

By _____

Deputy Clerk

Atty. For Plft. Ivan D Harris, Jr.

Address 352 Poplar View Lane East

Phone 901-853-5055

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B.P.R. No. 12654

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_____ and Cost

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This _____ day of _____ 20 _____

Judge of Division _____

SERVICE

Came to hand same day issued and executed as
commanded on _____

Came to hand same day issued and executed as
commanded on _____

This _____ day of _____ 20 _____

Sheriff/Process Server

This _____ day of _____ 20 _____

Sheriff/Process Server

SEE OTHER SIDE FOR ADDITIONAL SERVICE*

****AND NOTICE TO DEFENDANT(S)****

**IN GENERAL SESSIONS COURT OF TENNESSEE
FOR THE COUNTY OF SHELBY AT MEMPHIS**

MICHAEL A. BRADY

Plaintiff,

v.

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BLUE CROSS BLUE SHIELD
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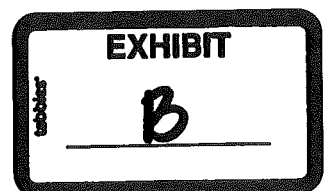
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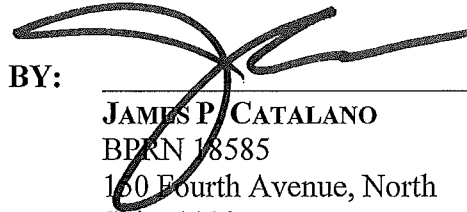
Submitted this the 26th day of March, 2014.



Respectfully submitted,

**NELSON MULLINS RILEY &
SCARBOROUGH, LLP**

BY:

A handwritten signature in black ink, appearing to read 'James P. Catalano', is written over a horizontal line.

JAMES P. CATALANO

BPRN 18585

100 Fourth Avenue, North

Suite 1100

Nashville, TN 37219

(615) 664-5303

*Attorneys for Defendant Blue Cross Blue
Shield Healthcare Plan of Georgia, Inc.*

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Errol J. King, Jr.
Baker Donelson
Chase North Tower
450 Laurel Street
20th Floor
Baton Rouge, LA 70801

This the 26th day of March, 2014.



JAMES P. CATALANO